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RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 95-111

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated October 1994.]

2. Form, Style and Placement in Administrative Code

- a. In the introductory clause, the following changes should be made:
 - (1) Delete the phrase “regarding outpatient prescription drugs and immuno suppressive drugs” after the reference to Appendix 1 (4) (c).
 - (2) Insert the word “and” before Appendix 5.
 - (3) Insert the word “and” before Appendix 8.
 - (4) Do not capitalize the word “medicare.”
- b. In s. Ins 3.39 (4) (a) 18., fourth line, change the word “policy” to “policyholder,” for consistency with the rest of the subdivision.
- c. In the treatment clause in SECTION 3, insert “Ins” after the word “renumbered.”
- d. In s. Ins 3.39 (5) (b), the word “your” is stricken-through and replaced with the word “you.” However, this word is correct in the current rule; consequently, this change should be removed.
- e. In SECTION 6, s. Ins 3.39 (7) (a) (intro.) should be amended to lead properly into the newly created subdivisions. Further, the title to sub. (7) should be amended to delete the word “replacement.”

f. In SECTION 7, for drafting purposes, the title to s. Ins 3.39 (9) (e) should be underscored because it is a paragraph title. [See s. 1.05 (2) (d), Manual.]

g. In SECTION 8, consider creating s. Ins 3.39 (9) (b) instead of sub. (9) (am), because s. Ins 3.39 (9) (b) is no longer in use. In addition, a title should be created for this paragraph for consistency with other paragraphs in sub. (9).

h. In SECTION 9 of the rule, the drafting format for amending a title to s. Ins 3.39 (11) is incorrect. The titles to sections and subsections are amended by showing the titles as they will appear. There is no need to strike-through and underscore changes in titles. [See s. 1.05 (3) (c), Manual.]

i. In SECTION 11 of the rule, in s. Ins 3.39 (23) (a), Statement 3, strike-through the number and all words at the beginning of the sentence and immediately after the strike-through, recreate the new number and the first word of the newly created sentence and underscore them. [See s. 1.06 (3), Manual].

j. In SECTION 14, in s. Ins 3.39, Appendix 6, the following changes should be made:

- (1) In footnote 2 on pages 1, 3 and 4 of the Appendix, delete the equal sign and replace it with the word “means.”
- (2) On page 3 of the Appendix, after the notation “SMSBP,” include the form numbered notation here as with prior pages, or delete this notation on both pages for consistency.
- (3) On pages 3 and 4 of the Appendix, footnote 3, delete the hyphens and insert the word “minus” so as not to confuse the minus sign with a hyphen.
- (4) On page 4 of the Appendix, insert blank lines after the words “type” and “SMSBP” in the title of the form, to make these consistent with previous reporting forms.

4. Adequacy of References to Related Statutes, Rules and Forms

a. In SECTION 8 of the rule, in s. Ins 3.39 (9) (am), it appears that the correct cross-reference is “pars. (c) to (e),” since par. (f) does not exist.

b. Following its amendment, the language in s. Ins 3.39 (16) (d) (intro.) should read: “For purposes of this subsection and subs. (4) (e) and (14) (L), the loss ratio standards shall be:”.

5. Clarity, Grammar, Punctuation and Use of Plain Language

a. In the plain language analysis, the following changes should be made:

- (1) The explanation of SECTION 1 should begin with a complete sentence, to make it consistent with the other explanations.

- (2) In the explanation of SECTION 3, delete “renew” and insert “are renewed.”
 - (3) In the explanation of SECTION 4, in the second line, delete the word “will” and insert the word “to.”
 - (4) In the explanation of SECTION 5, delete the references to “he” and insert “the individual.”
 - (5) In the explanation of SECTIONS 6 and 7, in the third line, delete the word “they” and replace it with “the designations” to make this more clear.
- b. In SECTION 1 of the rule, in s. Ins 3.39 (4) (a) 5., sixth line, the word “of” should be “or,” as it is in the current rule.
- c. In SECTION 2 of the rule, s. Ins 3.39 (4) (a) 19. does not follow properly from the introductory clause. The subdivision should not be a complete sentence.
- d. In s. Ins 3.39 (4m) (a), insert a period between “sub” and “(30).”
- e. In SECTION 9, in s. Ins 3.39 (14) (d), delete the period after the reference to subd. 1., and change the word “and” to the word “an” in the first line of this paragraph. The word “an” appears in the current rule.
- f. In SECTION 11 of the rule, in s. Ins 3.39 (23) (a), in the listing of Statements, change the word “can” in Statement 4 to “may.”
- g. In SECTION 12, in s. Ins 3.39 (31) (bm), clarify which is “the first such report” due on May 31, 1998.
- h. In SECTION 14, s. Ins 3.39, Appendix 6, first page, the following changes should be made:
- (1) In line 1, c, and in line 4, insert closing parentheses.
 - (2) In line 8, change the word “Experienced” to “Experience.”
 - (3) In line 10, references to “credibility” should be changed to “creditability.”
 - (4) In line 8, the ratio does not match the ratio in the current Appendix. As drafted, it is very unclear.
- i. On page 2 of s. Ins 3.39, Appendix 6, change the word “credibility” to “creditability.” Further, capitalize the word “premiums” on line 13 for consistency with other references in this Appendix.
- j. In SECTION 15 of the rule, in s. Ins 3.39, Appendix 8, there should be a title added such as “Disclosure Statement” as the other appendices have similar titles.
- k. In SECTION 15 of the rule, in s. Ins 3.39, Appendix 8, page 5, regarding the notice for policies providing home care benefits, the first bullet states that: “This insurance provides

benefits primarily for covered nursing home services.” Should this sentence instead refer to “home health services”?

1. As a general comment, current s. Ins 3.39 is replete with punctuation and grammar errors not corrected in this rule. For example, semicolons and periods are used interchangeably in lists; many listings do not agree with their introductory paragraphs; and other problems. This section should be reviewed.